

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: <u>8/5/2021</u>

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ALLSTAR MARKETING GROUP, LLC, :
Plaintiff, :
-v- :
ALLSTAR_PLACE, AMGARI66, AT-BENADO, :
AYESMADUSANK_0, BABY_HOME29, :
BARDUGO007, BINARA_ONLINESTORE, :
BLOOMSTORE-24, BUSY-SALES-4U, :
CENGANMEN663, CHANIZSHOP, :
CIGOLTFOS_HOLDING, CITY_CEYLON, :
D_WHITE_STORE, DINU_SUPPLIERS, :
DREAMSTORE-3, ECTREND984, ELOUKILI_STORE, :
ENTERSHOP1320, ERANGAONLINEMART98, :
FENGATUQIANG7788, GAMAGEE-SHOP, HNIA22, :
ISURU2009, KETTY_LAVI, KNICKKNACK_MART, :
LIYACHAN, MOHLAB_86, POWER_STORE98, :
PRINCE_N, REAF_59, SANDARU_E-MART, :
SERANDIB_CHOICE1992, SHAN1999-9, :
SHOP_FOR_LIFE_ELFE, SHOPI_MART, :
SPICE_TECH1, SPIROIA_208198, TC_KNIGHT, :
THISBUY, TOYMAX_20, TRAFFICKZ, TUR68-
STORE, USA*DEALS1, XUZHJIESTORE-1, :
Z_AND_C-SHOP, ZINE8893 and ZONDZON-STORE, :
Defendants. :
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LEWIS J. LIMAN, United States District Judge:

Plaintiff submitted an application for a Temporary Restraining Order on July 8, 2021. The Court held an ex parte hearing on the application July 9, 2021. At the hearing, the Court raised several specific concerns with the Plaintiff's application. Counsel offered to submit a supplemental brief addressing the Court's concerns by July 14, 2021. On July 13, 2021, in lieu of briefing, Plaintiff submitted to the Court a revised proposed order to show cause. That order addressed most of the Court's concerns. The Court signed the TRO with a few additional modifications.

The TRO along with an accompanying Order was filed under seal on July 14, 2021. The TRO expired on July 28, 2021. Because the Order was filed under seal, however, Plaintiff's

counsel never received a copy of the TRO and was not informed that the TRO had been entered. The TRO consequently was not served and, because it was not served, it did not restrain anyone. On August 5, 2021, counsel contacted chambers and was informed that the TRO had been signed but not delivered to counsel. By that time the TRO had expired. Plaintiff has reapplied for a TRO.

The Court considers the original TRO to be a nullity –like a tree falling in a forest. No one was aware of it besides the Court. In any event, there is good cause for the entry of a new TRO.

Plaintiff's renewed application for a TRO is GRANTED. Plaintiff may serve the TRO on Defendants and Third Parties as described therein. This Order will remain under seal until further order of the Court.

SO ORDERED.

Dated: August 5, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge